

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 8, 2004

(Published October 16, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
October 8, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, President Ostrow.

Absent - Johnson.

Lilligren moved acceptance of the minutes of the regular meeting held September 24, 2004. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269912)

Workforce Housing Development Program: Guidelines.

Hillcrest Development Business Subsidy Agreement: Amend agreement to change effective date to allow additional time to meet goals.

Business Development Fund Loan Program: Guidelines and delegation of authority to underwrite lender agreements.

Neighborhood Housing Services of Minneapolis: Sub-recipient grant agreement.

Code Abatement and Home Repair Loan Program: Guidelines changes.

Tax Forfeited Land: Denote non-conservation properties to be acquired and to be sold at public/private auction.

Morgan Apartments - 1230 Morgan Av N: Amend loan agreement.

Homewood Apartments Projects: Loan restructuring.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269913)

Ivy Tower Redevelopment Agreement: Amend redevelopment plan and tax increment plan to change the project's primary use from office to owner occupied housing and hotel.

Environmental Grants: Accept and appropriate Hennepin County Environmental Response Fund Contamination Investigation Grant and Metropolitan Council Tax Base Revitalization Account Grant for the Minnesota Innovation Center in the SEMI area.

Lake Street Council's Fix & Paint Program: Additional funding to continue program.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269914)

Limited English Proficiency Plan (LEP): Approve plan.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269915)

2004 Phillips Weed & Seed Partnership: Authorize transfer \$16,097 of Law Enforcement funds from Health & Family Support to Police Department, Third Precinct, to fund Community Response Team and Tactical Operational Team.

2004 Phillips Weed & Seed Partnership: Authorize transfer \$11,274 of law enforcement funds from Health & Family Support to Police Department, Organized Crime Unit, to implement law enforcement strategies within Phillips Weed & Seed zone relating to gangs, guns and narcotics.

INSPECTIONS DEPARTMENT (269916)

National Association of County and City Health Officials Grant: Execute agreement with Hennepin County to perform services under grant request Linking Advance Practice Centers and Local Public Health Agencies; and Approve appropriation.

Lead Hazard Reduction: Accept grant award of \$3,000,000 and execute grant agreement with United States Department of Housing and Urban Development for lead hazard reduction in targeted dwelling units in East Phillips Neighborhood; and Approve appropriation.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (269917)

Chapter 249 Properties: Authorize demolish:

3225 2nd Av S, with conditions;

3009-11 19th Av S; with attachments;

1901 E Lake St.

INSPECTIONS DEPARTMENT (269918)

Rental Dwelling Licenses: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code - Rental Dwelling Licenses, requiring a written management plan within ten days of a second qualifying conduct on premises incident occurring at the property.

LICENSES AND CONSUMER SERVICES (269919)

Suite Life Catering (600 1st Av N - Target Center): License Addendum Agreement relating to On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Trocaderos (107 3rd Av N): License Addendum Agreement relating to On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Tattoo Isa (1518 E Lake St): Grant Tattooist/Body Piercer License, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (269920)

Donations to Fire Department: Accept \$500 donation from Applebees and \$139.44 from Susan McKenna to put toward purchase of thermal imaging camera; and Approve appropriation.

POLICE DEPARTMENT (269921)

National Incident-Based Reporting System Grant: Execute no-cost amendment to grant agreement with Minnesota Bureau of Criminal Apprehension to extend grant period to allow time to complete upgrade of Police Department's crime reporting system.

Domestic Violence: Accept grant award of \$600,000 from United States Department of Justice to fund City Attorney staff and domestic violence advocates to work with investigators and crime victims in Police Department's Family Violence Unit; Execute appropriate contracts under grant award with Domestic Abuse Project; Casa de Esperanza; and Asian Women United Minnesota; and Approve appropriation.

Auto Theft Prevention Program Grant: Execute amendment to grant agreement with Minnesota Department of Public Safety to increase award by \$150,000 and extend performance period nine months to expand existing program for prosecution of auto thieves; and Approve appropriation.

Concealed Firearms: Authorize Police Department collect \$100 per applicant fee for firearm training and certification of retired law enforcement officers.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269922)

Met Council: 2030 Draft Transportation Policy Plan Presentation.

Traffic Zones, Restrictions, and Controls: Quarterly submittal.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269923)

Water & Sewer Service Line Repairs or Replacements: Resolution adopting assessment rolls.

Water & Sewer Service Line Repairs or Replacements Assessments: Comments.

Water & Sewer Service Line Repairs or Replacements Assessments: Staff Response to property owners' statements.

Snow Emergency Parking: Amend Title 18, Section 478, Traffic Code: Parking, Stopping and Standing.

Heritage Park Phase 2: Receive final cost estimate; direct City Engineer to prepare proposed assessments; and set public hearing on November 9, 2004.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (269924)

Main Street Bridge Reconstruction: Approve City/County Agreement.

Solid Waste Consultant Contract: Increase amount of contract with Foth & Van Dyke by \$30,000.

SCADA Project: Amend Contract with EMA Services, Inc. to expand Supervisory Control and Data Acquisition (SCADA) project scope, and extend contract term to July 1, 2006.

Bids: Resolution accepting Bid of Commercial Roofing Company for re-roofing of Fire Station No. 16 and the Street Maintenance Facility.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269925)

Legal Settlements: Claims of Western National Insurance Company, Auto-Owners Insurance Company, Mohamed Yahie, Karen Worth, Jennifer Eastman, CenterPoint Energy.

Retention of Outside Counsel: Legal Services Agreement with Rice, Michels & Walther to represent Officer Kevin Stoll.

Reimbursement of Legal fees for Officer Jeff Jindra: Payment to Frederick Bruno & Associates.

BUSINESS INFORMATION SERVICES (269926)

Master Contract with Kestrel Consulting: Increase contract for services of Michael Snuffer for additional services related to eGovernment projects.

CITY CLERK AND BUSINESS INFORMATION SERVICES (269927)

Enterprise Information Management (EIM) Plan: Approve five-year implementation strategy and direct departments to incorporate an EIM into their business plans.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269928)

Empowerment Zone (EZ) Request for Proposals for Human Service Providers: Release RFP seeking education and safety programs.

Environmental/Geotechnical Engineering Consulting Panel Request for Proposals: Release RFP seeking consultants to advise the City on redevelopment projects.

Allocation of Empowerment Zone (EZ) Funds for Global Market Place.

Allocation of Empowerment Zone (EZ) Funds for Phillips Biomass Project.

CONVENTION CENTER (269929)

Bids for Office Remodeling Project: Accept low bid of Parkos Construction Company for office remodeling at the Minneapolis Convention Center.

Parking for Minnesota State Fair and Use of Office Space at the State Fairgrounds: Approve lease agreement.

FINANCE DEPARTMENT (269930)

Second Quarter Financial Status Report and 2004 Mid-Year Supplemental Appropriation Requests.

HUMAN RESOURCES (269931)

Regulatory Services Department Reorganization: Establish new appointed Deputy Director (Environmental Management & Safety, Housing Inspection Services, Construction Services and Minneapolis One Stop) positions, new position of Building Official and reclassified position of Director, Inspection Services.

REGULATORY SERVICES (269932)

Regulatory Services Department Reorganization: Ordinance amendment relating to personnel of the Department of Inspections and the duties of the Director of Inspections.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (269933)

Appeal:

Bluff Street Development, LLC (520-2nd St SE): Additional staff report re Certificate of Appropriateness for condominium development (Also see 9/24/04 Council action).

INSPECTIONS/BOARD OF ADJUSTMENT (269934)

Appeal:

Eduardo Salgado, for Los Gallos (City-wide application): re Money Transmitter uses.

PLANNING COMMISSION/DEPARTMENT (269935)

Waiver:

Daniel Carlson (2800 Newton Ave N): Moratorium on N Mpls residential construction.

Rezoning:

Greg Collins (1104-20th Ave NE).

Zoning Code Text Amendment:

National Flood Insurance Program (NPIF): Ordinance amending Title 20, Chapter 551, as required by Federal Emergency Management Agency, for City residents to remain eligible for NPIF.

PLANNING COMMISSION:

HENNEPIN AVENUE UNITED METHODIST CHURCH (269936)

Permission to vacate the MnDOT Turnback Parcel, vicinity Summit Av & Lyndale Av.

MOTIONS (See Rep):

CITY CLERK (269937)

2005 City Council Calendar

FILED:

CITY CLERK/SPECIAL PERMITS (269938)

2nd Av S, 1301 (The Raptor Center) exhibit birds of prey;

Lake St E, 2124 (Lawrence Sign) sign;

Upton Av S, 3915 (Jack Davis) move garage.

FIRE DEPARTMENT (269939)

Operation Snowball II: Internet-based exercise.

MAYOR (269940)

Copy of letters reappointing Jon Westby, Sharon Bredeson, Robert Hand, Susan Mackay, David Nasby, Laurie Rice and Carolyn Roby to the Minneapolis Private Industry/Workforce Council (PI/WC).

MINNESOTA STATE OFFICES-State Auditor (269941)

City of Mpls, Management & Compliance report for yr ended 12/31/2003.

YOUTH COORDINATING BOARD (269942)

Youth Coordinating Board, Mpls, Annual Financial Report, yr ended December 31, 2003.

PAWLENTY, TIM (269943)

Homeland Security: Governor's letter requesting Council reconsideration of ordinance.

The following reports were signed by Mayor Rybak on 10/14/04, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration funding in the amount of \$1,000,000 approved in the 2004 budget to create affordable homeownership opportunities and having referred back from the Council on July 2, 2004 proposed guidelines for a Workforce Ownership Housing Development Program that includes an amendment to the allocation of funds to allocate \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 60% of median income, and having received a revised staff recommendation for allocation of \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 80% of the median income, now recommends that the matter be sent forward without recommendation.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote.

Comm Dev - Your Committee, having under consideration a Business Subsidy Agreement originally executed between the Minneapolis Community Development Agency (MCDA) and Hillcrest Development granting a subsidy for improvements to a redevelopment project at 900 6th Av SE based on the creation and retention of jobs at that location and having been informed that Hillcrest is requesting additional time to fulfill their job creation goal, now recommends concurrence with the recommendation of the Executive Director of the Community Planning and Economic Development (CPED) Department that said business subsidy agreement be amended to change the effective date of the agreement to March 1, 2002, thus extending the time allowed for meeting agreement goals by one year (as allowed under the Minnesota Business Subsidy Statute).

Adopted 10/8/04.

Absent - Johnson.

Comm Dev - Your Committee, having under consideration the transitioning of the Business Development Fund from the Minneapolis Community Development Agency (MCDA) to the City and a recommendation to amend the fund guidelines to bring them into compliance with City process and procedures, now recommends:

a) Approval of the Business Development Fund Guidelines, as amended (as included in Petn No 269912);

b) Passage of the accompanying resolution delegating authority to underwrite and execute lender agreements and supporting documents consistent with Business Development Fund Program guidelines.
Adopted 10/8/04.
Absent - Johnson.

Resolution 2004R-429 delegating authority to make and execute participation agreements and other documentation in regard to the Business Development Fund Loan Program of the Community Planning and Economic Development Department, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-429

By Goodman

Delegating authority to make and execute Participation Agreements and other appropriate loan documentation consistent with the Business Development Fund Program Guidelines.

Resolved by The City Council of The City of Minneapolis:

If the City Charter allows, authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or his designee, the Manager of Business Finance for CPED, to make and execute Lender Agreements and other appropriate loan documentation not to exceed the City Council authorized appropriation for the Business Development Fund Program and for a maximum term of ten (10) years.

Adopted 10/8/04.
Absent - Johnson.

Comm Dev - Your Committee, having under consideration the Neighborhood Housing Services (NHS) organization that provides loans for home improvements, home purchases and home ownership in Minneapolis and the provision of Community Development Block Grant (CDBG) funds to said organization, now recommends that the proper City officers be authorized to execute a grant agreement with NHS of Minneapolis relating to the allocation of CDBG funds in the amount of \$213,090 and execute a letter of understanding outlining provisions regarding the sale of home loans.

Adopted 10/8/04.
Absent - Johnson.

Comm Dev - Your Committee, having under consideration proposed changes to the Community Planning and Economic Development (CPED) Community Development Block Grant (CDBG) home improvement loan program guidelines for the Code Abatement Program and the Home Repair Loan Program, now recommends approval of the following:

- a) The Code Abatement Program guidelines be changed to move the income limit to 50% of the median;
- b) For the Code Abatement Program, start the program over, setting a ten-year expiration time limit on the maximum funds so homeowners can re-access the funds;
- c) Allow Home Repair Loan Program applicants to reapply for a loan as long as the combined amounts do not exceed the maximum loan limit of \$25,000.

Adopted 10/8/04.
Absent - Johnson.

Comm Dev - Your Committee, having been informed by Hennepin County of the list of properties that have been classified as non-conservation and having received a recommendation from the Community Planning and Economic Development (CPED) Department of properties to be acquired by the Minneapolis Community Development Agency (MCDA) and properties to be released for public/private sale, now recommends passage of the accompanying resolution approving the classification of

certain properties as non-conservation and the conveyance thereof and designating properties to be released for public auction.

Your Committee further recommends that said matter be referred to the MCDA Board of Commissioners for further action.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-430 approving the classification of certain tax forfeited properties as non-conservation and the conveyance thereof and designating certain properties to be released for public auction, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-430

By Goodman

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: ,

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency).

**1297 Conservation/Non-Conservation List
(01) City of Minneapolis**

PID Number	Address Lot Size	Target	Date Of Forfeit	Zoning Current Use	Legal Description
0902924120101	3415 FREMONT AVE N	Y	5/20/04	VACANT LAND	LOT 12, BLOCK 4 "DEAN PARK"
1602924130051	1029 – 22 ND AVE N	Y	5/20/04	VACANT LAND	R2B WEST ½ OF LOTS 15 AND 16 BLOCK 24 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
1002824110152	3857 CLINTON AVE S	Y	6/24/04	VACANT LAND	R1A LOT 20, RIDGEWAYS FIRST ADDTION TO MINNEAPOLIS

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be with held from sale for 6 months:

0902924430078	2701 EMERSON AVE N	Y	5/20/04	EAST 69 FEET OF LOT 007 BLOCK 023, FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
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0402824120022	3029 EMERSON AVE S Y	7/8/04	LOT 11, BLOCK 9 "CALHOUN PARK" WEST 56 FEET OF LOTS 11 AND 12 BLOCK 15 "LINCOLN STREET SUPPLEMENT TO EAST SIDE ADDITION TO MINNEAPOLIS"
1202924340170	1415 – 18 TH AVE NE Y	6/24/04	

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction.

PID Number	Address	Date Of Forfeit	Legal Description
1211821340030	4657 ALDRICH AVE N	5/20/04	NORTH 18 FEET OF THE WEST 24 FEET OF LOT 2, BLOCK 3 "CAMDEN PARK ADDITION"
0202824120023	1317 LAKE STREET E	5/20/04	EAST 42 FEET OF THE WEST 84 FEET OF LOT 1, 2 AND 3 BLOCK 1 LAND R'S SUBDIVISIONS IN LAWRENCE AND REEVES OUTLOTS
1702824430128	5231 WASHBURN AVE S	5/20/04	LOT 23, BLOCK 2 "WOODHOLME ACRES"
1002924220166	3511 4 TH STREET N	5/20/04	LOT 13, BLOCK 4 "NICOLS-FRISSELL CO'S STEWART HEIGHTS ADDITION TO MINNEAPOLIS"
1602924130117	2218 GIRARD AVE N	5/20/04	LOT 12, BLOCK 39 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
1602924240199	2001 JAMES AVE N	5/20/04	LOT 9 "LYON'S SUBDIVISION OF LOTS 37, 38 AND 39, BLOCK 19, FOREST HEIGHTS, MINNEAPOLIS, MINN."
3502924130313	2421 – 12 TH AVE S	5/20/04	NORTHERLY 14.5 FEET OF LOT 6, BLOCK 4 "GALES 1 ST ADDITION TO MINNEAPOLIS"
3502924140143	2531 – 18 TH AVE S	5/20/04	NORTH 25 66/100 FEET OF LOT 9, BLOCK 1 "GILPATRICK'S SECOND ADDITION TO MINNEAPOLIS"
0302824110078	505 EAST LAKE STREET	6/11/04	LOT 9 STATE ADDITION TO MINNEAPOLIS
1102924440172	820 – 18 ½ AVE NE	6/11/04	WEST 46 FEET OF LOTS 1 AND 2, BLOCK 41 WILSONS RE ARRANGEMENT OF BLOCKS 2, 3, 6, 7, 9, 11, 14, 15, 19, 20, 21, 24, 26, 29, 31, 33, 35, 37, 39, 41 OF EAST SIDE ADDITION TO CITY OF MINNEAPOLIS
1602924420088	1114 – 17 TH AVE N	6/11/04	EAST 46 FEET OF LOT 8, BLOCK 16 "GALES SUBDIVISIONS IN SHERBURN & BEEBE'S ADDITION TO MINNEAPOLIS"
2502924420005	2601 – 7 TH STREET S	6/24/04	LOT 1 RUST'S SUBDIVISION OF PART OF BLOCK 15 MURPHY'S ADDITION TO MINNEAPOLIS
3402924420276	2728 – 1 ST AVE S	6/24/04	SOUTH 19 FEET OF LOT 5, BLOCK 4 CRIM'S ADDITION TO MINNEAPOLIS
1602924230067	2107 – 23 RD AVE N	7/8/04	LOT 1, BLOCK 22 "FOREST HEIGHTS"

Be It Further Resolved that this matter be referred to the Minneapolis Community Development Agency for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the purchase and conveyance of said property located in targeted areas pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1b.

Adopted 10/8/04.

Absent - Johnson.

Comm Dev - Your Committee, having under consideration a request from Northside Residents Redevelopment Council (NRRC) to restructure a Community Development Block Grant (CDBG) loan on the property at 1230 Morgan Av N, now recommends approval to extend the loan (current amount of \$169,353) on said property for 30 years and change the interest rate on the loan from 5% to 1% for the extended term period.

Adopted 10/8/04.

Absent - Johnson.

Comm Dev - Your Committee, having under consideration a request to revise terms for outstanding loans on the Homewood Apartments Project at 1239 Sheridan Av N and 1240 Thomas Av N, now recommends approval for the newly created limited partnership, Homewood Limited Partnership to: a) assume the first two notes which total \$812,024 plus accrued interest and modify the interest rate tied to the Applicable Federal Rate (AFR) and term; and b) assume the third note (\$99,959) plus accrued interest with no changes to the terms.

Adopted 10/8/04.

Absent - Johnson.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration a proposal to amend the Redevelopment Agreement for the Ivy Tower to change the project's primary use from office to owner-occupied housing (including affordable housing) and hotel (along with supportive on-site parking and limited commercial retail space) and allowing for a change in the tax increment financing structure through a combination of tax exempt tax increment revenue bonds and a taxable tax increment pay-as-you-go revenue note and, having held a public hearing thereon, now recommends approval of said proposal by passage of the accompanying resolution adopting Modification No. 1 to the Ivy Tower Redevelopment Plan and Modification No. 1 to the Ivy Tower Tax Increment Financing Plan.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-431 adopting Modification No. 1 to the Ivy Tower Redevelopment Plan and Modification No. 1 to the Ivy Tower Tax Increment Financing Plan, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-431
By Goodman and Johnson

Adopting Modification No 1 to the Ivy Tower Redevelopment Plan, and Modification No 1 to the Ivy Tower Tax Increment Finance Plan

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.01. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through

its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.02. That by Resolution 2001R-516 duly adopted on December 20, 2001, the City approved the Ivy Tower Redevelopment Plan, the Ivy Tower Tax Increment Finance (TIF) Plan, Amendment No 10 to the Development Program for South Nicollet Mall, Amendment No 2 to the IDS/Data Service Center TIF Plan, and Modification No 88 to the Common Plans (collectively, the "Plans"), describing more precisely the "Project Area", the parcels to be included in the boundary of the TIF District, the two parcels to be excluded from the IDS/Data Service Center TIF District and Common Project boundary, the activities to be undertaken, the property that may be acquired, and eligible expenditures, all pursuant to the Project Laws.

1.03. The City has prepared, and this Council has investigated the facts with respect to a proposed Modification to the Ivy Tower Redevelopment Plan and Ivy Tower TIF Plan (the "Modifications"), to reflect a change in the development program from primarily office use to owner occupied housing (including affordable housing in accordance with the City's Affordable Housing Policy), and hotel uses. On-site parking in support of this new development is being increased.

1.04. The City has performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.05. The Council hereby determines that it is necessary and in the best interest of the City to approve the Modifications providing for the additional objective of creating owner occupied housing (including affordable housing in accordance with the City's Affordable Housing Policy), changing the designated land use within the district from primarily office to primarily housing and hotel uses and changing the tax increment financing structure to allow for the issuance of tax exempt tax increment revenue bonds and the issuance of a taxable pay as you go tax increment revenue note in an aggregate amount no greater than the original maximum amount of up to \$9.5 million.

Section 2. Findings for the Adoption of the Modifications.

2.01. The Council hereby finds, determines and reaffirms the findings made in Resolution 2001R-516.

2.02. The Council further finds, determines and declares that the Modifications conform to the general plan for the redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modifications were issued, are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

2.03. The Council further finds, determines and declares that the objectives and actions authorized by the Modifications are consistent with the undertaking of a Redevelopment Project and Redevelopment TIF District, all pursuant to and in accordance with the Project Laws.

2.04. The Council further finds, determines and declares that it is necessary and in the best interest of the City to approve the Modifications.

Section 3. Approval of the Modifications.

3.01. Based upon the findings set forth in Section 2 hereof, the Modifications presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications.

4.01. The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 10/8/04.

Absent - Johnson.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and execute grant and subrecipient agreements for the following grants to be used for pollution investigation and remediation in the Minnesota Innovation Center East Phase located in the South East Minneapolis Industrial/University Research Park area:

a) Hennepin County Environmental Response Fund Contamination Investigation Grant in the amount of \$85,000 (Contract #A040779); and

b) Metropolitan Council Tax Base Revitalization Account grant in the amount of \$827,420 (Grant #SG004-086).

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Agency appropriation to reflect the receipt of said grant funds.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-432
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants Fund (SMN0-890-8933) by \$912,420 and increasing the revenue source (SMN0-890-8490) by \$912,420.

Adopted 10/8/04.

Absent - Johnson.

Comm Dev & W&M/Budget - Your Committee, having received an update on the Lake Street Council's Fix & Paint Program and a request for funding to continue the program, now recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department Agency appropriation by \$49,000 to reflect the approval of funds for the program; and authorization for the proper City officers to execute a grant agreement for the funds.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-433
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants Fund (LEVY-890) by \$49,000.

Adopted 10/8/04.

Absent - Johnson.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

H&HS - Your Committee recommends approval of the Limited English Proficiency Plan for the City of Minneapolis, as set forth in Petn No 269914 on file in the Office of the City Clerk.

Adopted 10/8/04.

Absent - Johnson.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Law Enforcement Partnership, now recommends passage of the accompanying Resolution transferring \$16,097 of Year 2004 Weed & Seed Law Enforcement funds from Health & Family Support to the Police Department, Third Precinct, to support funding for the Community Response Team (\$9,212) and the Tactical Operational Team (\$6,885).

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-434
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$16,097.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$16,097 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$16,097.

Adopted 10/8/04.

Absent - Johnson.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Law Enforcement Partnership, now recommends passage of the accompanying Resolution transferring \$11,274 of Year 2004 Weed & Seed Law Enforcement funds from Health & Family Support to the Police Department, Organized Crime Unit, to implement law enforcement strategies within the Phillips Weed & Seed zone relating to gangs, guns and narcotics.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-435
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$11,274.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$11,274 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$11,274.

Adopted 10/8/04.

Absent - Johnson.

H&HS & W&M/Budget - Your Committee, having collaborated with Hennepin County to submit a grant application to the National Association of County and City Health Officials in August 2004 that would plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City Officers be authorized to execute an agreement with Hennepin County for the City to act as a sub-grantee to perform services as determined by the Program Goals and Objectives document derived from the grant request *Linking Advance Practice Centers and Local Public Health Agencies*. Further, passage of the accompanying Resolution appropriating \$46,260 to Licenses & Consumer Services to proceed with grant activities.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-436
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8391) by \$46,260 and increasing the Revenue Source (030-835-8391 - Source 3210) by \$46,260.

Adopted 10/8/04.

Absent - Johnson.

(Republished 4/16/05; 4/23/05)

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$3,000,000 and execute a grant agreement with the United States Department of Housing and Urban Development to fund lead hazard reduction in targeted dwelling units within the East Phillips neighborhood. Said grant activities will include the removal of lead hazards from dwellings and remediation of lead in soil, to be performed concurrently with cleanup activities of the United States Environmental Protection Agency to remove arsenic contamination from yard soil. Further, passage of the accompanying Resolution appropriating \$3,000,000 to Licenses & Consumer Services.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-437
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8393) by \$3,000,000 and increasing the Revenue Source (030-835-8393 - Source 3210) by \$3,000,000.

Adopted 10/8/04.

Absent - Johnson.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244, Article XVI of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code - Rental Dwelling Licenses*, requiring a written management plan within ten days of a second qualifying conduct on premises incident occurring at the property, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-112 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code - Rental Dwelling Licenses*, summarized as follows, was passed 10/08/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

1. amending Section 244.1940 entitled *Denial; non-renewal; revocation; suspension*, clarifying that the 244.1940 procedure should be used for failure to submit a written management plan.

2. amending Section 244.2020 entitled *Conduct on licensed premises*, as follows:

Subsection (d) - increasing the compliance time for submitting a written management from five to ten days.

Subsection (e) - providing the authority to deny, not renew, revoke, or suspend the license for failure to submit a written management plan that satisfies Section 244.2020(d).

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-112
By Niziolek and Zerby
Intro & 1st Reading: 9/3/04
Ref to: PS&RS
2nd Reading: 10/8/04

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1940 of the above-entitled ordinance be amended to read as follows:

244.1940. Denial; non-renewal; revocation; suspension. If after any period for compliance under Section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in Sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license for conduct on premises in pursuant to section 244.2020, the director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

- (1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in Section 244.1910 and Section 244.1920, ~~or that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under Section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020 (d).~~
- (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.
- (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in Section 244.1960.
- (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under Section 244.2020.
- (6) The notice shall describe how an appeal may be filed under Section 244.1960.
- (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office.

Section 2. That Section 244.2020 of the above-entitled ordinance be amended to read as follows:

244.2020. Conduct on licensed premises. (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of the community crime prevention/SAFE unit and other units of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

- (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
- (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- (5) Section 389.65 of this Code, which prohibits noisy assemblies;
- (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
- (7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

(b) The community crime prevention/SAFE unit and the inspections division shall be jointly responsible for enforcement and administration of Section 244.2020.

(c) Upon determination by the community crime prevention/SAFE unit utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible SAFE team shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the community crime prevention/SAFE unit and other units of the Minneapolis Police Department to prevent further violations.

The established procedures manual is available to the public from the community services bureau of the Minneapolis Police Department.

(d) If another instance of disorderly use of the licensed premises occurs within twelve (12) months of an incident for which a notice in subsection (c) was given, the responsible SAFE team shall notify the licensee by mail of the violation ~~and shall also require the licensee to submit a written of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted~~ The licensee shall submit a written management plan to the SAFE team within ~~five (5) ten (10)~~ days of receipt of the notice of disorderly use of the premises ~~and~~. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license.

(e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d). An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in Section 244.1940, and shall proceed according to the procedures established in Sections 244.1950, 244.1960, and 244.1970.

~~(e)(f)~~ If another instance of disorderly use of the licensed premises occurs within twelve (12) months after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in Section 244.1940, and shall proceed according to the procedures established in Sections 244.1950, 244.1960, and 244.1970.

~~(f)(g)~~ No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the SAFE team within ten

(10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of inspections at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

~~(g)~~(h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

~~(h)~~(i) The public safety and regulatory services committee shall review Section 244.2020 three (3) years after the effective date of these revisions to determine its impact upon both landlords and tenants, and to recommend any changes which may be appropriate. The directors of regulatory services and the community services bureau shall keep records of all actions and proposed actions under Section 244.2020 to facilitate the committee review required herein.

Adopted 10/8/04.

Absent - Johnson.

PS&RS - Your Committee, to whom was referred back from the City Council on September 24, 2004 an ordinance amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Vehicle Immobilization Service*, adding license requirements; amending rules of operation; and prohibiting remuneration, now recommends that said ordinance be given its second reading for amendment and passage.

Zerby moved to amend the ordinance by adding the following Subsection "m" to Section 320.45:

"(m) If a parking lot is being monitored for the purpose of determining which vehicles are parked illegally, the individual performing the monitoring and the vehicle immobilization service licensee must comply with this section.

(1) If the individual monitoring the parking lot witnesses a vehicle in the act of parking illegally, that individual must inform the driver that the vehicle is parked illegally, if there is the reasonable opportunity to do so.

(2) A vehicle shall not be immobilized if there is not compliance with paragraph (m) (1)."

Seconded.

Lost. Yeas, 6; Nays, 6 as follows:

Yeas - Goodman, Zimmermann, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Lane, Samuels, Colvin Roy, Schiff, Niziolek.

Absent - Johnson.

Zimmermann moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Lost. Yeas, 6; Nays, 6 as follows:

Yeas - Goodman, Samuels, Zimmermann, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Lane, Colvin Roy, Schiff, Zerby, Niziolek.

Absent - Johnson.

The report, with the accompanying ordinance, lost.

Yeas, 5; Nays, 7 as follows:

Yeas - Benson, Lane, Colvin Roy, Schiff, Niziolek.

Nays - Goodman, Samuels, Zimmermann, Zerby, Lilligren, Johnson Lee, Ostrow.

Absent - Johnson.

Zerby moved to introduce the subject matter of an ordinance amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Vehicle Immobilization Service*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the application of TRBK Inc, dba Suite Life Catering, 600 1st Av N (Target Center Meeting Rooms), for an On-Sale Liquor Class A with Sunday Sales License (upgrade from Class E and expansion of premises) to expire January 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the application of Trocaderos LLC, dba Trocaderos, 107 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

Approved by Mayor Rybak 10/8/04.

(Published 10/13/04)

PS&RS - Your Committee, having under consideration the application of Minh Le Corp, dba Bona Restaurant, 815 Washington Av SE, for an On-Sale Beer Class E License (change in location from 802 Washington Av SE) to expire April 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the following license applications, now recommends that they be granted, pending completion of the Police License review, and a public hearing to be held in the community:

a. La Perla Del Pacifico Inc, dba La Perla Del Pacifico, 6009 Nicollet Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business), to expire October 1, 2004.

b. Blue Plate Restaurant Co, dba Longfellow Grill, 4610 E Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business), to expire January 1, 2005.

c. Big Daddy Inc, dba Riverview Cafe, 3753 42nd Av S, for an On-Sale Wine Class D with Strong Beer License (new business), to expire April 1, 2005.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

Approved by Mayor Rybak 10/8/04.

(Published 10/13/04)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Tattoo Isa, 1518 E Lake St, for a Tattooist/Body Piercer License, subject to conditions.
Adopted 10/8/04.
Absent - Johnson.

Resolution 2004R-438, granting the application of Tattoo Isa, 1518 E Lake St, for a Tattooist/Body Piercer License, subject to conditions, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-438
By Niziolek

Granting the application of Tattoo Isa, 1518 E Lake St, for a Tattooist/Body Piercer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Ma Isabel Perez-Zavala, dba Tattoo Isa, 1518 E Lake St, for a Tattooist/Body Piercer License (new business) to expire May 1, 2005, subject to the following conditions:

- a. a final inspection of the establishment, equipment, records and aftercare information must be completed by the Environmental Health Department.
- b. body piercing will be limited to puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system, which is not included by definition in the Body Art Code.
- c. tattooing will be limited to cosmetic tattooing only using disposable, single use equipment.
- d. after installation of a hand sink in the tattoo/body piercing work room area, all body piercing and tattooing will be permitted at this establishment based on the following conditions:
 1. a hand sink will be installed by a contractor licensed in Minneapolis, and all necessary permits must be pulled. Final inspection must be completed by a Minneapolis plumbing inspector.
 2. a final inspection by the Environmental Health Department will be conducted of the work room area.

Adopted 10/8/04.
Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 10/8/04.
Declining to Vote - Benson.
Absent - Johnson.

Resolution 2004R-439, granting applications for Liquor, Wine and Beer Licenses, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-439
By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire January 1, 2005

Hyatt Minneapolis LLC, dba Hyatt Minneapolis, 1300 Nicollet Mall (new shareholder/partner & new corporate officer);

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2005

Lip to Lip Inc, dba In Wunderbar, 983 E Hennepin Av (license upgrade from Class E);

On-Sale Liquor Class B with Sunday Sales, to expire September 25, 2004

River Jakes Inc, dba Nyes Polonaise Room, 112 E Hennepin Av (temporary expansion of premises with entertainment, September 25, 2004, 4:00 p.m. to 11:00 p.m. in parking lot);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2005

MC Teague Entr Inc, dba 5 Corners Saloon, 501 Cedar Av (October 2, 2004, 4:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2005

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall);

Temporary On-Sale Liquor

De LaSalle High School, dba De LaSalle High School, 1 De LaSalle Dr (October 9, 2004, 6:00 p.m. to Midnight; Licensed Facilitator: Cuzzies Restaurant);

Temporary On-Sale Wine

Twin Cities Women's Choir, 3450 Irving Av S (Fundraiser October 23, 2004, 6:30 p.m. to 8:30 p.m. at St. Mary's Greek Orthodox Church).

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-440, granting applications for Business Licenses, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-440

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 8, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269919):

Carnival; Car Wash; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Short Term Food Permit; Seasonal Short Term Food; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer - Additional Lot; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Refrigeration Systems Installer; Antique Mall Operator Class B; Sign Hanger; Solid Waste Hauler; Suntanning

Facility; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Neighborhood Rideshare; Tobacco Dealer; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 10/8/04.

Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-441, granting applications for Gambling Licenses, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-441

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

St. Olaf Catholic Church, dba St. Olaf Catholic Church, 215 S 8th St (Raffle October 31, 2004);
Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle November 13, 2004);
Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 1611 W County Road B, St. Paul (Raffle November 13, 2004 at Hyatt Regency of Nicollet Mall, 1300 Nicollet Mall);
Emerson Silc, dba Emerson Silc, 1421 Spruce Pl (Raffle November 13, 2004);
Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, Paddlewheel & Pulltabs November 23, 2004).

Adopted 10/8/04.

Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th St N.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2004R-442, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th St N, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-442

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th St N.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on September 28, 2004 with the licensee to discuss the violation of laws relating to the operation of a licensed beverage alcohol establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating Section 362.500 of the Minneapolis Code of Ordinances and State Statutes by purchasing beverage alcohol from other retail licensees for resale;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative fine, in the amount of \$5,000, for the violation that occurred approximately between July 29, 2004 and September 16, 2004, to be paid by November 1, 2004.

b. the licensee shall pay an administrative fine, in the amount of \$1,000, for the violation that occurred on July 29, 2004, payable by October 15, 2004 to the State of Minnesota, Department of Public Safety.

c. the licensee shall pay a false burglar alarm fee, in the amount of \$700, of which \$640.50 shall be paid by October 1, 2004; and \$59.50 shall be paid by October 8, 2004.

d. the licensee shall stay current on any and all payments to vendors, wholesalers, and/or distributors.

e. the licensee shall stay current on all tax payments as required by the rules and regulations of the State of Minnesota Department of Revenue.

f. the licensee shall submit a copy of any purchase agreement for City Billiards by October 15, 2004, or by this date, the licensee shall notify the Department of Licenses & Consumer Services, in writing, if the possible pending purchase agreement does not come to fruition.

g. should the application for renewal of the On-Sale Liquor License be denied, all administrative fines and false burglar alarm fees will be deducted from any unused license fees that may have been paid.

Adopted 10/8/04.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the property located at 3225 2nd Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 20, Block 9, Bakers 2nd Addition to Minneapolis (PID #03-028-24-13-0021), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Your Committee further recommends that a building permit be pulled and construction started within 60 days of the demolition of the property.

Adopted 10/8/04.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 3009-11 19th Av S, legally described as Lot 10, Block 2, Minnehaha Addition to Minneapolis (PID #01-028-24-22-0021).

b. 1901 E Lake St, legally described as Lot 11 & 12, Block 2, Minnehaha Addition to Minneapolis (PID #01-028-24-22-0023).

Adopted 10/8/04.

Absent - Johnson.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, having receiving a \$250,000 *National Incident-Based Reporting System* (NIBRS) Program Grant, now recommends that the proper City Officers be authorized to execute a no-cost amendment to the grant agreement with the Minnesota Bureau of Criminal Apprehension to extend the grant period to allow additional time to expend the grant funds to complete the upgrade of the Police Department's crime reporting system for compliance with the new national NIBRS System.

Adopted 10/8/04.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee, having under consideration the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, now recommends that the proper City Officers be authorized to:

a. accept a two-year grant award of \$600,000 from the United States Department of Justice, Office of Justice Programs, to fund City Attorney staff and domestic violence advocates to work with investigators and crime victims in the Police Department's Family Violence Unit to increase prosecution and sentences of domestic violence offenders and increase support for assault victims.

b. execute appropriate contracts under said grant award with the Domestic Abuse Project, Casa de Esperanza, and Asian Women United Minnesota, as detailed in the grant award program.

Further, passage of the accompanying Resolution appropriating \$359,066 to the Police Department and \$240,934 to the City Attorney's Office.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-443

By Niziolek and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C105) by \$359,066.

b. increasing the appropriation for the City Attorney Agency in the Grants - Federal Fund (030-140-1410) by \$240,934.

c. increasing the Police Department Revenue Source (030-400-C105 - Source 3210) by \$600,000.

Adopted 10/8/04.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee, having under consideration the *Auto Theft Prevention Program* Grant, now recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to increase the grant award by \$150,000 and extend the agreement for nine program months to expand the existing Auto Theft Prevention Program for prosecuting auto thieves. Further, passage of the accompanying Resolution appropriating \$150,000 to the Police Department.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-444

By Niziolek and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$150,000 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$150,000.

Adopted 10/8/04.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends, pursuant to the Federal Law Enforcement Officers Safety Act of 2004, that the proper City Officers be authorized to collect a \$100 per applicant fee from retired law enforcement officers who apply to the Minneapolis Police Department for a certificate to carry concealed firearms. The Police Department shall provide firearm training and certification, with the revenue generated from said fee to be shared between the Police Licensing Unit and the Police Range.

Adopted 10/8/04.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers of the Fire Department be authorized to accept donations of \$500 from Applebees and \$139.44 from Susan McKenna to put toward the purchase of a thermal imaging camera. Further, passage of the accompanying Resolution appropriating \$639.44 to the Fire Department.

Adopted 10/8/04.

Absent - Johnson.

RESOLUTION 2004R-445
By Niziolek and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$639.44 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$639.44.

Adopted 10/8/04.

Absent - Johnson.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration assessments for water and sewer service line repairs or replacements, and having held a public hearing thereon, now recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment rolls, on the list of properties as set forth in Petn No 269923, and on file in the Office of the City Clerk.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-446, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 269923, was passed on 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-446

By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 269923.

Whereas, a public hearing was held on September 28, 2004 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated September 15, 2004 set forth in Petn No 269923 in the total amount of \$538,434.41 as shown on the proposed assessment roll on file in the Office of the City Clerk be revised to \$507,199.91 as a result of prepayments received, be and hereby are adopted and levied.

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated September 15, 2004 set forth in Petn No 269923 in the total amount of \$69,780.15 as shown on the proposed assessment roll on file in the Office of the City Clerk, be and hereby are adopted and levied.

Be It Further Resolved that the property identified as 3516 Elliot Av S, Property ID 02-028-24-31-0130 be collected in ten (10) successive equal annual principal installments beginning on the 2005 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessments for all other properties be collected in five (5) successive equal annual principal installments beginning on the 2005 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 10/8/04.

Absent - Johnson.

T&PW - Your Committee, to whom was referred an ordinance amending Title 18, Section 478, Article IX, of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing, Snow Emergency Regulations*, and having held a public hearing thereon, now recommends that said Ordinance, simplifying the snow emergency parking regulations by having the regulations consistent from year to year thereby enhancing compliance and improving snow emergency plowing operations, now recommends that said Ordinance be given its second reading for amendment and passage.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-113 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing* simplifying the snow emergency parking regulations, was passed on 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-113
By Colvin Roy
Intro & 1st Reading: 9/3/04
Ref to: T&PW
2nd Reading: 10/8/04

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to the Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.1000 of the above-entitled ordinance be amended to read as follows:

478.1000. Snow emergency parking restrictions. (a) Upon the declaration of a snow emergency by the city engineer and the chief of police, no person shall stop, stand, park or leave any vehicle or permit it to stand upon any street or highway which is a posted "snow emergency route" until the street has been fully plowed, but such restrictions are not to exceed a period of eleven (11) hours from the effective time of the declared snow emergency.

(b) For a period of twelve (12) hours beginning at 8:00 a.m. on the morning next following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on streets and highways other than posted "snow emergency routes" shall be prohibited on the side of the street or highway with ~~odd-numbered addresses in winter seasons that begin in odd-numbered years and on the side of the street with even-numbered addresses in winter seasons that begin in even-numbered years.~~ This paragraph shall not apply to the Minneapolis parkway system.

(c) For a period of twelve (12) hours beginning at 8:00 a.m. on the second morning following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on streets and highways other than posted "snow emergency routes" shall be prohibited on the side of the street or highway with ~~even-numbered addresses in winter seasons that begin in odd-numbered years and on the side of the street with odd-numbered addresses in winter seasons that begin in even-numbered years.~~ This paragraph shall not apply to the Minneapolis parkway system.

(d) In any winter season following the declaration of any snow emergency by the city engineer and the chief of police, the engineer and chief may impose ~~the following a~~ parking restrictions on nonsnow emergency routes to be effective immediately following the snow emergency: that prohibits vehicle parking on that side of all streets with even-numbered addresses.

~~(1) In winter seasons beginning in odd-numbered years and ending in even-numbered years, vehicle parking shall be prohibited on that side of all streets with odd-numbered addresses;~~

~~(2) In winter seasons beginning in even-numbered years and ending in odd-numbered years, vehicle parking shall be prohibited on that side of all streets with even-numbered addresses.~~

The "winter season" as used in this subdivision shall mean that period from November 1st to April 1st.

Once imposed, the foregoing parking restrictions shall remain continuously in effect from and after the date they are effective for the remaining portion of the winter season or until the restrictions ~~are~~ is removed as follows: The city engineer and chief of police may, at any time during the winter season, act jointly to remove the parking restrictions for the remainder of the winter season.

All persons parking vehicles or permitting vehicles to be parked on streets and highways other than snow emergency routes and the Minneapolis parkway system shall comply with this subdivision and all parking regulations imposed pursuant hereto.

The chief of police and city engineer shall give notice of the imposition and removal of the parking restrictions imposed by this section through the press, radio or television and shall request the news media to cooperate with the city in conveying notice to the public.

(e) In any given winter season, as defined in subdivision (d), upon the receipt of an official National Weather Service storm forecast of a snow accumulation of five (5) or more inches, the city engineer may announce that there shall be a temporary ban on residential street parking, which ban shall prohibit

parking for a forty-eight-hour period commencing at a time specified by the city engineer, but not less than four (4) hours following said announcement. This temporary ban shall prohibit parking ~~on the odd side of the street in winter seasons that begin in odd-numbered years and on the side of the street with even-numbered addresses in winter seasons that begin in even-numbered years.~~ The temporary ban may be rescinded at any time prior to the forty-eight (48) hours if the plowing has been accomplished or the ban is no longer necessary. This subdivision (e) shall not affect other parking regulations and restrictions now or hereafter in effect. The temporary parking ban provided in this subdivision shall not apply to snow emergency routes nor to the Minneapolis parkway system, and shall not be placed in effect while the restrictions provided for in subdivision (d) are in effect.

(f) The procedures and restrictions set forth in sections 478.990 and 478.1000 of this Code may be waived by the city engineer and the chief of police only upon the consent of the mayor and/or president of the city council upon their finding that such waiver is in the best interests of the city.

Section 2. That Section 478.1020 of the above-entitled ordinance be amended to read as follows:

478.1020. Winter parking in special parking districts. (a) From time to time the city council may establish, add to, modify or cancel special parking districts. The city engineer shall at all times maintain in his office a complete listing of all such districts, and said listing is hereby incorporated into this Code the same as if fully set forth herein.

(b) A special parking district may be established by the council only after a public hearing and a finding of fact by a committee of the council that there is a need for said special parking district within the area covered. Application for designation of an area as a special parking district shall, if possible, be accompanied by a plan to improve parking in said district.

(c) Those areas designated as special parking districts pursuant to subsection (b) above shall be posted with signs by the city engineer. The signs shall advise that parking is permitted, except during a snow emergency.

~~(d) During winter seasons beginning in an odd-numbered year and ending in an even-numbered year, parking shall be prohibited in such special parking districts on that side of the street with odd-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the day following the declaration of a snow emergency or until the street has been fully plowed and shall be prohibited in such special parking districts on that side of the street with even-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the second day following the declaration of a snow emergency or until the street has been fully plowed.~~

~~(e)~~(d) During winter seasons beginning in an even-numbered year and ending in an odd-numbered year, parking shall be prohibited in such special parking districts on that side of the street with even-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the day following the declaration of a snow emergency or until the street has been fully plowed and shall be prohibited in such special parking districts on that side of the street with odd-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the second day following the declaration of a snow emergency or until the street has been fully plowed.

Adopted 10/8/04.

Absent - Johnson.

T&PW - Your Committee, having under consideration Heritage Park, Phase 2, Public Improvement Project No. 9746, and in accordance with the Development Agreements and Joint Powers Agreement as more fully set forth in Petition No 268068 on file in the Office of the City Clerk, now recommends:

- a) Receiving the final cost estimate of \$1,018,850 for the benefited properties;
- b) Directing the City Engineer to prepare proposed street paving, streetscape (sidewalk), water main, sanitary sewer, and street lighting assessments against the benefited properties; and
- c) Directing the City Clerk to give notice of a public hearing to be held before the Transportation and Public Works Committee on November 9, 2004, to consider the amount proposed to be assessed to the benefited properties.

Adopted 10/8/04.

Absent - Johnson.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the right-of-way acquisition for the Main Street Bridge Reconstruction, County Project No. 9321, now recommends approval of a cooperative agreement between the City of Minneapolis and Hennepin County, pending satisfactory review by the City Attorney's Office.

Your Committee further recommends the expenditure of up to \$40,000, from the PW - Paving Construction Capital Fund, for the City's cost participation in the project.

Adopted 10/8/04.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Solid Waste Consultant Contract with Foth and Van Dyke by \$30,000, for a revised contract amount not to exceed \$80,000. Funds are available within the existing budget.

Adopted 10/8/04.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers amend Contract C98-13127 with EMA Services, Inc. to provide for expansion of the scope of the Supervisory Control and Data Acquisition (SCADA) project for the Water Works facilities to include current and potential design enhancements up to a maximum additional cost of \$1,071,879, resulting in a new contract total of approximately \$5,088,699, and extending the contract term to July 1, 2006. (Petr No 269924) Funds are available within the existing project budget.

Adopted 10/8/04.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving a bid submitted to the Public Works Department, in accordance with City specifications.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-447 accepting the low bid of Commercial Roofing Company to re-roof Fire Station No. 16 and the Street Maintenance Facility, was passed on 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-447
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petr No 269924)

OP No 6321, Accept low bid of Commercial Roofing Company in the amount of \$263,265 to furnish all labor, materials, and incidentals necessary to accomplish the re-roofing of Fire Station No. 16 and the Street Maintenance Facility.

Adopted 10/8/04.

Absent - Johnson.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-448 authorizing settlement of legal matters, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-448

By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following claims:

- a) Western National Life Insurance Company (Mary Kubik insured party) by payment of \$1,730.25;
- b) Auto-Owners Insurance Company (Barbara Dryden insured party) by payment of \$4,750.31;
- c) Mohammed Kayse Yahie, and his attorney Bradley Ratgen, by payment of \$12,000;
- d) Karen Worth, and her attorney Donovan Larson, by payment of \$3,000;
- e) Jennifer Eastman (AKA Smith), and her attorney Christopher Johnson, by payment of \$3,000;
- f) CenterPoint Energy (Minnegasco) by payment in the amount of \$47,120 for work done on the permanent replacement of their 24" and 4" steel natural gas mains in the vicinity of 4th Av N and Humboldt Av N for damaged caused by a Department of Public Works crew on June 10, 2003.

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to finalized said settlement.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into a Master Legal Services Agreement with Rice, Michels & Walther, L.L.P. in an amount not to exceed \$300,000 for the provision of legal services to Officer Kevin Stoll in the matter of Alfred Flowers v. Kevin Stoll, et al.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget – Your Committee recommends approval of the request of Officer Jeff Jindra for the reimbursement of attorneys fees payable to Frederic Bruno and Associates in the amount of \$12,077.19 for the representation of Officer Jindra.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget – Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Director, Inspections Division from grade 16 (733 points) to Director Inspection Services, grade 16 (723 points) with an annual salary of \$97,982 - \$108,296, effective September 20, 2004; and passage of the accompanying amendment to the Salary Ordinance establishing the salary rates for the reclassified position.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-114, approving the salary for the reclassified position of Director, Inspections Division, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-114
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: September 20, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Inspection Services	A	\$97,982	\$103,139	\$106,233	\$108,296

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget – Your Committee recommends concurrence with the Executive Committee in approving the establishment of a new appointed position entitled Building Official at grade 14 (650 points) with an annual salary of \$87,909 - \$97,163, effective September 20, 2004; and passage of the accompanying amendment to the Salary Ordinance establishing the salary rates for the new position.

Adopted 10/8/04.
Absent - Johnson.

Ordinance 2004-Or-115, approving the salary for the reclassified position of Building Official, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-115
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: September 20, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Building Official	A	\$87,909	\$92,536	\$95,312	\$97,163

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget – Your Committee, having under consideration the recommendation of the Empowerment Zone (EZ) Governance Board for allocation of \$1,500,000 for education and safety initiatives, now recommends that the proper City officers be authorized to issue an RFP for EZ education activities and an RFP for safety programs in the EZ, both to be released pending approval of the City's Permanent Review Committee.

Adopted 10/8/04.
Absent - Johnson.
Approved by Mayor Rybak 10/8/04.
(Published 10/13/04)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue a request for proposals (RFP) seeking consultants to serve on an environmental/geotechnical panel that will advise the City on evaluating properties for redevelopment.

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget – Your Committee, having under consideration the allocation of Empowerment Zone (EZ) funds for the Neighborhood Development Center's (NDC) proposal to develop an international themed, owner-operated fresh and prepared food marketplace on the first floor of the Midtown Exchange project called the Global Market Place, now recommends:

- a) Authorization to invest \$500,500 in Federal EZ funds in the NDC Global Market Place project;
- b) Passage of the accompanying resolution decreasing the Community Planning and Economic Development (CPED) Department appropriation to reflect the movement of said funds; and
- c) That the proper City officers be authorized to execute a grant agreement with NDC setting forth the terms and conditions for utilizing the EZ funds.

Adopted 10/8/04.
Absent - Johnson.

RESOLUTION 2004R-449
By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by decreasing the appropriation for the Community Planning and Economic Development Agency in the Grants-Federal Fund (0300-890-8942) by \$500,500.

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget – Your Committee, having under consideration the allocation of Empowerment Zone (EZ) funds for the Green Institute proposal to install district heating ready boilers in the Midtown Exchange Project (for Phase I of the Phillips Biomass project) and approval of the following:

- a) Authorization to invest \$136,000 in Federal EZ funds in said project;
 - b) Passage of the accompanying resolution decreasing the Community Planning and Economic Development (CPED) Department appropriation to reflect the movement of said funds; and
 - c) That the property City officers be authorized to execute a loan agreement with the Green Institute, setting forth the terms and conditions for utilizing the EZ funds;
- now recommends that said matter be **sent forward without recommendation**.
- Zerby moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.
- Adopted by unanimous consent.
- The report, as amended, was adopted 10/8/04.
- Declining to vote - Zimmermann.
- Absent - Johnson.

RESOLUTION 2004R-450
By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by decreasing the appropriation for the Community Planning and Economic Development Agency in the Grants-Federal Fund (0300-890-8942) by \$136,000.

Adopted 10/8/04.

Declining to vote - Zimmermann.

Absent - Johnson.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to increase the contract scope of the City's master contract with Kestrel Consulting not to exceed \$175,000, to continue the services of Michael Snuffer on various eGovernment activities through the Business Information Services (BIS) Department.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget – Your Committee recommends acceptance of the low bid received on OP No. 6312 from Parkos Construction Company in the amount of \$129,800 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish an office remodeling project at the Minneapolis Convention Center.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota State Fair providing for parking of one or more trucks or other vehicles as needed during events at the Convention Center, as well as use of the office space located at the Fairgrounds at a flat rate of \$200 per day or \$1 per day per vehicle dependent upon anticipated usage, a flat fee of \$30 per day for utility cost (lighting), and \$150 per day for office use on said property, for the period of October 1, 2004 through September 30, 2005, with an option to renew on an annual basis, payable from the Convention Center Operations budget.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 28 of the Minneapolis Code of Ordinances relating to *Administration: Department of Inspections*, amending Section 28.30 and 28.50 relating to personnel of the Department of Inspections and qualifications and duties of the Director of Inspections, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends adoption of findings with respect to the creation of the positions of Deputy Director, Minneapolis One Stop; Deputy Director, Housing Inspection Services; Deputy Director, Environmental Management and Safety; Building Official; and Deputy Director, Housing Inspection Services (as set forth in the Findings of Fact on file in the Office of the City Clerk) and made a part of this report by reference.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-116, amending Title 2, Chapter 28 of the Minneapolis Code of Ordinances relating to Administration: Department of Inspections, amending Section 28.30 and 28.50 relating to personnel of the Department of Inspections and qualifications and duties of the Director of Inspections, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-116
By Niziolek
Intro & 1st Reading: 8/20/04
Ref to: W&M/Budget
2nd Reading: 10/8/04

Amending Title 2, Chapter 28 of the Minneapolis Code of Ordinances relating to Administration: Department of Inspections.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 28.30 of the above-entitled ordinance be amended to read as follows:

28.30. Personnel of department. To assist in the administration of the department, the director of inspections shall appoint and remove such officers and assistants as shall be provided by the city council. ~~They shall be appointed and dismissed in accordance with the regulations of the civil service commission. They shall perform such duties as shall be assigned by the director of inspections. They shall devote their entire time to the work of the department and shall not be privately engaged, directly or indirectly, in the work of drawing plans, or in any of the several businesses the operation of which come under the jurisdiction of the department, or in the selling of materials for such operations. They shall receive such compensation as shall be appropriated by the city council. Unless the positions are in the unclassified service pursuant to state law, Minneapolis Charter, or Title 2, Chapter 20, Article XII of the Minneapolis Code of Ordinances, they shall be in the classified service. The officers and assistants shall perform such duties as shall be assigned by the director of inspections. The officers and assistants shall receive such compensation as shall be appropriated by the city council.~~

Section 2. That Section 28.50 of the above-entitled ordinance be amended to read as follows:

28.50. Qualifications, duties of director of inspections. The director of inspections shall be an architect, engineer, or builder, who has been engaged in the active duties of such occupation for at least ten (10) years individual who has been employed for at least ten (10) years as an architect, engineer, builder, or attorney in the field of local government. The director of inspections shall enforce the building code, the zoning code, the housing maintenance code, as well as all ordinances relating to electric wiring, plumbing, housing and other details of building construction, and all ordinances pertaining to signs, billboards, smoke abatement and such other ordinances as the city council shall direct the director of inspections to enforce. The director of inspections shall ~~appoint, subject to the approval of the civil service commission, all officers and assistants in the department; shall supervise their the work and assign their the duties; and shall dismiss them when necessary for the public good in accordance with the rules governing the city service of all officers and assistants in the department.~~

The entire time of the director of inspections shall be devoted to the work of the department, and the director of inspections shall not, during the term of office, be engaged in any private work pertaining to the erection of buildings or the sale of building materials.

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources and the Executive Committee that the appointed position of Deputy Director, Environmental Management and Safety (Grade 13) be established with an annual salary range of \$80,044 to \$88,470, effective July 29, 2004; and passage of the accompanying Salary Ordinance establishing the salary for the position.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-117, approving the salary for the position of Deputy Director, Environmental Management & Safety, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-117
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective July 29, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, Environmental Mgmt and Safety	A	\$80,044	\$84,257	\$86,785	\$88,470

Adopted 10/8/04.

Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources and the Executive Committee that the appointed position of Deputy Director, Housing Inspection Services (Grade 13) be established with an annual salary range of \$82,390 to \$91,063, effective July 29, 2004; and passage of the accompanying Salary Ordinance establishing the salary for the position.

Adopted 10/8/04.

Absent - Johnson.

Ordinance 2004-Or-118, approving the salary for the position of Deputy Director, Housing Inspection Services, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-118
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective July 29, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, Housing Inspection Services	A	\$82,390	\$86,727	\$89,328	\$91,063

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources and the Executive Committee that the appointed position of Deputy Director, Construction Services (Grade 13) be established with an annual salary range of \$83,770 to \$92,588, effective July 29, 2004; and passage of the accompanying Salary Ordinance establishing the salary for the position.

Adopted 10/8/04.
Absent - Johnson.

Ordinance 2004-Or-119, approving the salary for the position of Deputy Director, Construction Services, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-119
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective July 29, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, Construction Services	A	\$83,770	\$88,179	\$90,824	\$92,588

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources and the Executive Committee that the appointed position of Deputy Director, Minneapolis One Stop (Grade 13) be established with an annual salary range of \$80,044 to \$88,470, effective July 29, 2004; and passage of the accompanying Salary Ordinance establishing the salary for the position.

Adopted 10/8/04.
Absent - Johnson.

Ordinance 2004-Or-120, approving the salary for the position of Deputy Director, Minneapolis One Stop was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-120
By Johnson
1st and 2nd Readings: 10/8/04

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective July 29, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, Minneapolis One Stop	A	\$80,044	\$84,257	\$86,785	\$88,470

Adopted 10/8/04.
Absent - Johnson.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving an Enterprise Information Management (EIM) Policy and Establishing the EIM Policy Board to establish and monitor policies and procedures governing the design, implementation, maintenance, management and sharing of information with the City and between the City and other jurisdictions.

Adopted 10/8/04.
Absent - Johnson.

Resolution 2004R-451 approving the Enterprise Information Management (EIM) Policy and establishing an EIM Policy Board, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-451
By Lilligren

Approving the Enterprise Information Management (EIM) Policy and Establishing the EIM Policy Board

Whereas, the City of Minneapolis recognizes that information both electronic and paper, is vital to all functions of the city; and

Whereas, the City of Minneapolis strives to share information among departments and expand citizen access to information (e-government and customer service); and

Whereas, the City of Minneapolis is committed to managing all resources in the most cost-effective manner; and

Whereas, the City of Minneapolis acknowledges the need to comply with new legislative and statutory requirements for information management and to reduce risks associated with litigation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That an Enterprise Information Management Policy be adopted and departments be directed to integrate the policy into their business planning processes.

Be It Further Resolved that a five-member EIM Policy Board be created for the purpose of establishing and monitoring the policies and procedures governing the design, implementation, maintenance, management and sharing of information within the City of Minneapolis and between the City and other jurisdictions. Board membership shall consist of the Chief Information Officer, the City Clerk, the City Attorney, the City Coordinator and one Council Member selected by the Council President. Board membership will be supplemented by work groups of City staff as established by the Board. The Board will report annually its work plans and accomplishments to the Ways and Means/Budget Committee.

Adopted 10/8/04.

Absent - Johnson

W&M/Budget - Your Committee, having reviewed the Second Quarter Financial Status Report for 2004, now recommends passage of the accompanying resolution amending the 2004 General Appropriation Resolution to provide for supplemental appropriation changes as recommended by the Finance Department.

Adopted 10/8/04.

Absent - Johnson.

Resolution 2004R-452 amending the 2004 General Appropriation Resolution to provide for supplemental appropriation changes, was passed 10/8/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-452
By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

Fund	Agency	Appropriation	Revenue	Description
General Fund				
0100	127		(6,400,000)	Reduce transfer from Municipal Park Fund per adopted workout plan
0100	127	900,000		Transfer to Library for Planetarium
0100	280	(32,462)		Move FTE (Admin Analyst) from Fire to Inspections
0100	850	32,462		Move FTE (Admin Analyst) from Fire to Inspections
0100	280	156,600	156,600	Housing Inspections - originally approved by 2003R-521
0100	400	(37,000)		Move Radio Shop charges from Police to MECC
0100	830	37,000		Move Radio Shop charges from Police to MECC
0100	842	12,000	12,000	Move Implex pmt/rev from BIS to Communications
0100	820	3,662,261	3,662,261	Change acct for reimbursements
	Total General Fund	4,730,861	(2,569,139)	
Intergovernmental Services				
6400	880	(12,000)	(12,000)	Move Implex pmt/rev from BIS to Communications
	Total Intergovernmental Services	(12,000)	(12,000)	
Self Insurance				
6900	150	995,000		Civil Claim 03-3518
	Total Self Insurance	995,000		
Parking Fund				
7500	127	(6,400,000)		Reduce transfer to the General Fund per adopted workout plan
	Total Parking Fund	(6,400,000)		
	Total All Funds	(686,139)	(2,581,139)	
	Expense Net Revenue		(1,895,000)	

Adopted 10/8/04.
Absent - Johnson.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Daniel Carlson for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for construction of a new single-family home at 2800 Newton Ave N, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.

Samuels moved to substitute the following report for the above report. Seconded.

Adopted. Yeas, 8; Nays, 4 as follows:

Yeas – Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee.

Nays – Goodman, Zimmermann, Niziolek, Ostrow.

Absent – Johnson.

Z&P - Your Committee, having under consideration the application of Daniel Carlson for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for construction of a new single-family home at 2800 Newton Ave N, now recommends that said waiver be denied.

Your Committee further recommends that staff be directed to draft Findings of Fact to support the recommendation of denial.

Adopted 10/8/04. Yeas, 11; Nays, 1 as follows:

Yeas – Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays – Niziolek.

Absent – Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Eduardo Salgado, on behalf of Los Gallos, from the decision of the Board of Adjustment upholding the Zoning Administrator's decision regarding the determination that *Money Transmitters* are substantially similar in character and impact to *Currency Exchange* uses, now recommends that said appeal be granted, finding that *Money Transmitters* are substantially similar in character and impact to *General Retail Sales and Services* uses.

Adopted 10/8/04.

Absent – Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Gregory Collins (BZZ-1795) to rezone the property at 1104 – 20th Ave NE from R2B to the R3 District to permit four dwelling units on a 8,500 square foot lot, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 10/8/04.

Absent – Johnson.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, allowing residents of the City of Minneapolis to remain eligible for the National Flood Insurance Program, as adoption of new flood zone maps and amendments to the floodplain ordinance are required by the Federal Emergency Management Agency, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and passage.

Adopted 10/8/04.

Absent – Johnson.

Ordinance 2004-Or-121 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts, adopting new flood zone maps and amendments as required by the Federal Emergency Management Agency, which allows residents of the City of Minneapolis to remain eligible for the National Flood Insurance Program, was passed 10/8/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-121
By Schiff
Intro & 1st Reading: 8/30/04
Ref to: Z&P
2nd Reading: 10/8/04

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 551.540 of the above-entitled ordinance be amended to read as follows:

551.540. Purpose. The FP Floodplain Overlay District is established ~~to provide special regulations governing development within the Floodplain Districts, in order to minimize damage to property due to flooding and to promote the public health, safety and welfare to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program. These regulations govern development within the FP Overlay District in order to minimize damage to property due to flooding and promote public health, safety and welfare.~~

Section 2. That Section 551.550 of the above-entitled ordinance be amended to read as follows:

551.550. Established boundaries. (a) *In general.* The boundaries of the FP Overlay District shall include those areas within the regional floodplain boundaries and shall be as established in this article and shown on the official zoning map.

(b) *Floodplain districts.* The FP Overlay District shall be divided into two (2) districts: Floodway District and Flood Fringe District. The boundaries of these districts shall be as shown on the official Flood Insurance Rate Map and Flood Boundary and Floodway Map.

(c) *Official maps.* The following technical data prepared by the Federal Emergency Management Agency are hereby adopted and incorporated by reference as part of this zoning ordinance: Flood Insurance Study, City of Minneapolis, Minnesota, dated August 18, 1980, and the Flood Insurance Rate Map and Flood Boundary and Floodway Map for the City of Minneapolis, Minnesota, dated February 18, 1981, including all future updates: Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota All Jurisdictions, and the Flood Insurance Rate Map Panels numbered 27053C0212E, 27053C0214E, 27053C0216E, 27053C0217E, 27053C0218E, 27053C0219E, 27053C0352E, 27053C0354E, 27053C0356E, 27053C0357E, 27053C0362E, 27053C0364E, 27053C0366E, 27053C0367E, 27053C0368E, 27053C0369E, 27053C0376E, 27053C0378E, 27053C0379E, 27053C0386E, 27053C0387E, 27053C0388E, and 27053C0389E, for the City of Minneapolis, dated September 2, 2004, as developed by the Federal Emergency Management Agency. The Official Map shall be on file in the office of the Zoning Administrator.

(d) *Interpretation.* Where interpretation is needed as to the exact location of the boundaries of the Floodway and Flood Fringe Districts, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the zoning administrator shall make the necessary interpretation. All decisions shall be based on the regional (100 year) flood profile and other available technical data.

(e) *Removal of flood hazard area designation.* The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the regional flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multiple-structure or multiple-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Section 3. That Section 551.560 of the above-entitled ordinance be amended to read as follows:

551.560. Warning and disclaimer of liability. This article does not imply that areas outside the FP Overlay District or land uses permitted within such overlay district will be free from flooding or flood

damage. This article shall not create liability on the part of the City of Minneapolis or any officer or employee of the city for any flood damages that result from reliance on this article or any administrative decision lawfully made regarding this article.

Section 4. That Section 551.570 of the above-entitled ordinance be amended to read as follows:

551.570. Definitions. As used in this article, the following words and phrases shall mean:

Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

Equal degree of encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood. The increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the overflowing of water onto land that is usually devoid of surface water.

Flood, regional. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Flood frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe District. An area lying outside the floodway, but within the floodplain and designated by Federal Emergency Management Agency reports and data as flood fringe or floodway fringe. Those areas shown on the Flood Insurance Rate Map as adopted in this article as being within Zone AE, Zone AO, or Zone AH but being located outside the floodway. Where the floodway is not shown for flood zone AE on a lake the flood fringe shall be the area above the Ordinary High Water (OHW) elevation, provided compensating flood water storage is created for any filling or obstruction placed below the one hundred (100) year flood level.

Floodplain. The bed of a wetland or lake or the channel of a watercourse and the adjoining areas, which may be covered with water during a regional flood. Those areas shown on the Flood Insurance Rate Map as adopted in this article as being within Zone AE, Zone AO, or Zone AH.

Floodproofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway District. The channel of a watercourse or the bed of a wetland or lake and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge. Those areas designated as floodway on the Flood Insurance Rate Map as adopted in this article.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle".

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

Regulatory flood protection elevation. An elevation not less than one (1) foot above the water surface elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. Within the AO Zones designated on the Flood Insurance Rate Map, this elevation shall be at least one (1) foot greater than the elevation of the highest ground surface adjacent to the proposed structure prior to construction next to the proposed walls of any structure or addition to be constructed.

Substantial Damage. Damage of any origin sustained by a structure where the cost of materials and labor to restore the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement. Within any consecutive one year (365 day) period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes the cost of materials and labor to repair structures which have incurred damage which equals or exceeds fifty (50) percent of the market value. This term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. This term also does not include any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure". For the purpose of this article, "historic structure" shall be as defined in Code of Federal Regulations, Part 59.1.

Section 5. That Section 551.580 of the above-entitled ordinance be amended to read as follows:

551.580. Additional Administrative provisions. *(a) Permit Required.* A permit shall be issued prior to the construction, addition, alteration, repair, or rehabilitation (including normal maintenance and repair) of any building or structure; prior to the construction of a dam, fence, or on-site sewage treatment system; prior to the change or expansion of a nonconformity; and prior to the placement of fill, storage of materials, or excavation of materials within the floodplain.

(a)(b) Zoning certificate required. In addition to those matters which require a zoning certificate, as specified in Chapter 525, Administration and Enforcement, a zoning certificate shall be obtained prior to any placement of fill, excavation of materials, or storage of materials or equipment within the FP Overlay District.

(b)(c) Certification. An applicant for a zoning certificate shall submit certification to the zoning administrator by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations meet the requirements of this article Floodproofing measures shall be certified by a registered professional engineer or registered architect.

(e)(d) Record of first floor elevation. The zoning administrator shall maintain a record of the elevation of the lowest floor (including the basement) of all new structures and structural alterations to existing structures in the FP Overlay District. The zoning administrator also shall maintain a record of the elevation to which structures and alterations to structures are floodproofed.

(d)(e) Evaluation criteria for conditional uses. In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following evaluation criteria for conditional uses located within the FP Floodplain Overlay District:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The relationship of the proposed use to the floodplain management program for the area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(11) Such other factors which are relevant to the purposes of this article.

(e)(f) Conditional use permit conditions and guarantees. The city planning commission may impose such conditions on any proposed conditional use permit and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards

and purposes of this zoning ordinance and policies of the comprehensive plan, including but not limited to the following:

- (1) Modification of waste treatment and water supply facilities.
- (2) Limitations on period of use, occupancy and operation.
- (3) Imposition of operational controls, sureties and deed restrictions.
- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.

(5) Floodproofing measures, in accordance with the State Building Code and this zoning ordinance.

~~(f)~~(g) *Flood insurance notice and record keeping.* The zoning administrator shall notify the applicant for a variance, as authorized in Chapter 525, Administration and Enforcement, of the following. Such notification shall be maintained with a record of all variance actions, including the basis for their issuance. The zoning administrator shall report such variances issued in an annual or biennial report submitted to the administrator of the National Flood Insurance Program.

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.

(2) Such construction below the regional flood level increases the risks to life and property.

(h) *Notifications for Watercourse Alterations.* The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(i) *Notification to FEMA When Physical Changes Increase or Decrease the 100 year Flood Elevation.* As soon as is practicable, but no later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

Section 6. That Section 551.590 of the above-entitled ordinance be amended to read as follows:

551.590. General provisions. (a) *Use of fill.* Fill, dredge spoils and all other similar materials deposited or stored in the FP Overlay District shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable methods. Such use of fill and similar materials shall comply with the provisions of Chapter 52, Erosion and Sediment Control for Land Disturbance Activities, of the Minneapolis Code of Ordinances.

(b) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

(c) *On-site sewage treatment and water supply systems.* Where public utilities are not provided, uses shall comply with the following:

(1) On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(2) New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Such systems shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this article.

(d) *Public transportation facilities.* Streets, railroad tracks and bridges located within the floodplain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive floodplain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary streets or railroads.

Section 7. That Section 551.600 of the above-entitled ordinance be amended to read as follows:

551.600. Prohibited uses in the FP Overlay District. (a) *In general.* All uses not allowed as permitted or conditional uses by this article shall be prohibited, regardless of the underlying primary zoning district.

(b) *Waste transfer or disposal facilities.* Waste transfer, treatment or disposal facilities shall be prohibited.

(c) *Manufactured homes and manufactured home parks.* Manufactured homes, ~~and manufactured home parks, including trailers and travel vehicles; and recreational vehicles greater than four hundred (400) square feet in area~~ shall be prohibited.

Section 8. That Section 551.610 of the above-entitled ordinance be amended to read as follows:

551.610. Permitted uses in the Floodway District. Permitted uses in the Floodway District shall be limited to the following uses, provided such uses shall have a low flood damage potential, shall not obstruct flood flows or increase flood elevations, shall not involve structures, fill, obstructions, excavations or storage of materials, and shall be permitted in the underlying primary zoning district:

(1) Outdoor plant nurseries.

(2) Parking and loading areas.

(3) Recreational open space uses such as golf courses, tennis courts, driving ranges, archery ranges, public parks, boat launching ramps, swimming areas, play areas, wildlife and nature preserves, and hiking and horseback riding trails.

(4) Lawns and gardens.

Section 9. That Section 551.620 of the above-entitled ordinance be amended to read as follows:

551.620. Conditional uses in the Floodway District. Conditional uses in the Floodway District shall be limited to the following uses, provided such uses shall have a low flood damage potential, shall not cause an increase in the stage of the regional flood or cause an increase in the flood damages in the reach or reaches affected, and shall be allowed in the underlying primary zoning district:

(1) Structures accessory to permitted and conditional uses, subject to the following:

a. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, the structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the structure constitutes a minimal investment, shall not exceed five hundred (500) square feet, and for a detached garage, the garage shall be used solely for the parking of vehicles and limited storage. In addition, all floodproofed accessory structures shall be subject to the following:

1. The structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

2. Any mechanical and utility equipment in the structure shall be installed at or above the regulatory flood protection elevation or shall be adequately floodproofed.

b. Accessory structures shall not be designed for human habitation.

c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters as follows:

1. So far as practicable, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.

2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(2) Land uses in which access to or use of a surface water feature is an integral component, such as boathouses, docks, marinas, observation platforms and water control structures such as locks and dams.

(3) Streets, railroads, bridges, utility transmission lines and pipelines.

(4) Outdoor storage and display of equipment, machinery or other materials, provided the storage of materials that are flammable, explosive, or potentially injurious to human, animal or plant life in time of flooding shall be prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after flood warning, in accordance with a plan approved by the city planning commission.

(5) Placement of fill.

(6) Structural works for flood control such as levees, dikes and floodwalls, subject to the following:

a. Any proposed work that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G, and other applicable statutes.

b. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall be prohibited.

c. A levee, dike or floodwall constructed in the Floodway District shall not cause an increase to the regional flood, and the technical analysis shall assume equal conveyance or storage loss on both sides of a stream.

Section 10. That Section 551.630 of the above-entitled ordinance be amended to read as follows:

551.630. Permitted uses in the Flood Fringe District. Permitted uses in the Flood Fringe District shall be those uses listed as permitted uses in the underlying primary zoning district. In addition to the standards of Chapter 551.650 such uses shall be subject to the following:

(1) Structures. All structures and all additions to such structures shall be elevated on fill so that the lowest floor, including the basement, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon. As an alternative to elevation on fill, accessory structures may be floodproofed to the FP-1 or FP-2 floodproofing classification in the State Building Code. In addition, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet may be internally floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code, subject to the following:

a. The structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

b. Any mechanical and utility equipment in the structure shall be installed at or above the regulatory flood protection elevation or shall be adequately floodproofed.

(2) Storage of materials. The storage of materials and equipment shall be elevated on fill to an elevation at or above the regulatory flood protection elevation.

(3) Fill. The cumulative placement of fill shall not exceed twenty-five (25) cubic yards of fill in any one (1) calendar year, unless such fill is specifically intended to elevate a structure in accordance with section (1) above.

Section 11. That Section 551.640 of the above-entitled ordinance be amended to read as follows:

551.640. Conditional uses in the Flood Fringe District. Conditional uses in the Flood Fringe District shall be those uses listed as conditional uses in the underlying primary zoning district and all uses listed as permitted uses in the underlying primary zoning district that cannot comply with the elevation, floodproofing or fill standards for permitted uses, as specified in section 551.630 above. In addition to the standards of section 551.650, conditional uses shall be subject to the following:

(1) Alternative elevation methods. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include but are not limited to the use of stilts, pilings or parallel walls, or above grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if ~~the enclosed area~~

is above grade on at least one (1) side of the structure. In addition, the structure shall be subject to the following all of the following apply:

a. The enclosed area is above grade on at least one (1) side of the structure.

b. The enclosed area is designed to internally flood and is constructed with flood resistant materials.

c. The enclosed area is used solely for parking of vehicles, building access or storage.

d. In addition, the structure shall be subject to the following:

a.1. Design and certification. The structure's design and as-built condition shall be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code. All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

b.2. Specific standards for above-grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck under garages shall be subject to the following:

4-a. The enclosed area shall be designed to internally flood. Design plans shall show the minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided such coverings permit the automatic entry and exit of flood waters. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention

2-b. The enclosed area shall be constructed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code.

2-c. The enclosed area shall be used only for parking vehicles, storage or building access.

(2) Basements. Residential basement construction shall be prohibited below the regulatory flood protection elevation. Nonresidential basements may be allowed below the regulatory flood protection elevation, provided the basement shall be structurally dry floodproofed, subject to section (3) below.

(3) Nonresidential structures. All areas of nonresidential structures, including basements, located below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing shall meet the FP-1 or FP-2 floodproofing classification in the State Building Code, requiring the structure to be watertight with the walls substantially impermeable to the passage of water and requiring structural components to have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall be prohibited.

(4) Storage of materials and equipment. The storage, display or processing of materials that are flammable, explosive, or potentially injurious to human, animal or plant life in time of flooding shall be prohibited. Storage of other material or equipment may be allowed if readily removable from the area within the time available after flood warning in accordance with a plan approved by the city engineer.

(5) Fill. When more than twenty-five (25) cubic yards of fill is located on a zoning lot in any one (1) calendar year for such activities as on-site storage, landscaping, streets, dredge spoil disposal or construction of flood-control works, an erosion/sedimentation control plan shall be submitted subject to the provisions of this article and the Shoreland District.

Section 12. That Chapter 551 of the above-entitled ordinance be amended by adding a new Section 551.645 to read as follows:

551.645. Nonconformities. A structure or the use of a structure or premises which was conforming before the adoption of this article but which is not in conformity with this article may be continued subject to the following conditions.

(1) No nonconformity shall be altered or expanded in a way which increases its nonconformity.

(2) Any structural alteration or expansion which would increase the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowable in the State Building Code, except as further restricted in this article.

(3) If any nonconformity is discontinued for a period of one (1) year or more, any future use of the premises shall comply with this article.

(4) If any nonconformity is substantially damaged, it shall not be reconstructed except in compliance with this article.

(5) If a substantial improvement occurs from any combination of a building addition to the outside dimensions of the building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of this section.

Section 13. That Section 551.650 of the above-entitled ordinance be amended to read as follows:

551.650. Standards for all uses located in the Flood Fringe District. The following standards shall apply to all permitted and conditional uses located in the Flood Fringe District:

(1) Vehicular access. All new principal structures shall provide vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance from this requirement is granted, the board of adjustment shall specify limitations on the period of the use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(2) Commercial uses. Accessory uses, such as yards and parking lots, may be located at elevations below the regulatory flood protection elevation. However, a zoning certificate for such facilities to be used by the customers, occupants and employees shall not be granted in the absence of a flood warning system that provides adequate time for evacuation, if the area were inundated to a depth ~~greater than two (2) feet or subject to flood velocities greater than four (4) feet per second~~ and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.

(3) Industrial uses. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Accessory uses such as yards and parking lots may be at an elevation below the regulatory flood protection elevation. However, a zoning certificate for such facilities to be used by the customers, occupants and employees shall not be granted in the absence of a flood warning system that provides adequate time for evacuation, if the area were inundated to a depth ~~greater than two (2) feet or subject to flood velocities greater than four (4) feet per second~~ and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.

(4) Hydraulic capacity. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

Adopted 10/8/04.

Absent – Johnson.

Z&P - Your Committee, to whom was referred back on 9/24/04 the appeal filed by Bluff Street Development, LLC from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness to permit an 84 foot building (eight-stories) at 520 – 2nd St SE, and in lieu thereof, approving a 54 foot building (four-stories), and having held further discussion thereon, now recommends that the appeal be granted, and a Certificate of Appropriateness be approved, as modified for a building up to 63 feet (five stories plus penthouse), subject to conditions: a) that the southern setback match the adjacent buildings in order to preserve the rail corridor views; and b) that the setback above the second floor shall allow for fenestration on the east side of the building.

Schiff moved to amend the report by deleting the language following “subject to conditions:” and inserting in lieu thereof:

“a) the south (rear) wall of the building shall extend no further toward the south (rear) property line than shown on the plans dated July 21, 2004;

b) the stairs, landings and patio depicted on the plans dated July 21, 2004 as extending from the south (rear) wall shall be removed in order to preserve the second-most northerly rail line running through the applicant's property and the view along that rail line;

c) the most northerly rail line running through the applicant's property may be removed but any alteration to the second-most northerly rail line must be approved by Planning staff or the Heritage Preservation Commission;

d) balconies are allowed to extend from the south (rear) wall beginning at the second floor and through the fifth floor, as shown on the plans dated July 21, 2004;

e) windows shall be incorporated into the north portion of the east elevation above the second floor or, if not feasible because of building code regulations, fenestration shall be incorporated into the façade;

f) staff must approve final signage and final drawings;

g) the applicant must submit and staff must approve final specifications for the windows and doors;

h) staff must approve final building materials and the pre-cast concrete panels shall not be larger than the standard concrete block;

i) applicant shall monitor the stability of the surrounding historic buildings during the demolition and construction phase; and

j) all glass must be clear, non-tinted, non-reflective glass with no more than one coat of Low-E glazing."

Your Committee further recommends that the Findings of Fact prepared by the Department of Planning & Economic Development/HPC staff be adopted and made a part of this report by reference." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/8/04. Yeas, 11; Nays, 1 as follows:

Yeas – Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays – Niziolek.

Absent – Johnson.

MOTIONS

Goodman introduced the subject matter of an ordinance amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending the density bonuses in the commercial districts).

Goodman introduced the subject matter of an Ordinance amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending the floor area ratio premiums in the downtown districts).

Niziolek introduced the subject matter of an Ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amendments relating to unpaid rental license fees).

Niziolek introduced the subject matter of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing on October 18, 2004 (Adding Section 20.476 entitled "Minneapolis Fire Department Incentive Plans 2005 through 2006.")

Zerby introduced the subject matter of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing October 18, 2004 (Amending Section 20.470 relating to a Minneapolis Police Department incentive).

Lilligren moved to approve the calendar for City Council meetings in 2005 as set forth in Petn No 269937. Seconded.

Adopted 10/8/04.

Absent - Johnson.

Zerby introduced the subject matter of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing on October 18, 2004 (Amending Section 20.475 relating to a Community Planning & Economic Development Department incentive).

RESOLUTIONS

Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution honoring J. Scott Renne.

Adopted 10/8/04.

Absent - Johnson.

(Not published. See Resolution 2004R-453 on file in the office of the City Clerk)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-453

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane**

Honoring J. Scott Renne.

Whereas, J. Scott Renne has given thirty years as a public servant, the last 11 years as the Minneapolis City Assessor; and

Whereas, J. Scott Renne exemplified leadership through his loyalty, honesty and commitment to the citizens of Minneapolis, elected and appointed officials and his staff; and

Whereas, J. Scott Renne, when confronted with ongoing economic challenges and tight budgets, worked to be innovative and creative in implementing cost savings strategies allowing the Assessing Department to work more efficiently and effectively; and

Whereas, J. Scott Renne, whose legacy as the Minneapolis City Assessor, past president of the Minnesota Association of Assessing Officers, Real Estate Educator/Trainer/Mentor, and National Appraisal Foundation Board Member has raised the professional and ethical standards for appraisers and assessors industry-wide; and

Whereas, J. Scott Renne committed to a participatory management approach which supported affirmative action objectives, and promoted personal and professional staff development; and

Whereas, J. Scott Renne, during his 11 years as City Assessor, enthusiastically participated in 18 billion dollars of Minneapolis growth and development through timely, meaningful communications and keen real estate insight; and

Whereas, J. Scott Renne toiled tirelessly as an appointed board member for the Minneapolis Police Relief Association for seven years; and

Whereas, the people of the City of Minneapolis have benefited greatly from Scott's contributions;
Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That J. Scott Renne is to be commended for his leadership, effectiveness and tireless public service.

Be It Further Resolved that the people of the City of Minneapolis owe J. Scott Renne a debt of gratitude and wish him and his family all the happiness, peace and prosperity the world can offer.

Adopted 10/8/04.

Absent - Johnson.

Benson, Colvin Roy, Goodman, Johnson, Johnson Lee, Lane, Lilligren, Niziolek, Ostrow, Samuels, Schiff, Zerby and Zimmermann offered a Resolution to honor and say thank you to Kim W. Havey for his service to Minneapolis.

Adopted 10/8/04.

Absent - Johnson.

(Not published. See Resolution 2004R-454 on file in the office of the City Clerk)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-454

**By Benson, Colvin Roy, Goodman, Johnson, Johnson Lee, Lane, Lilligren,
Niziolek, Ostrow, Samuels, Schiff, Zerby, Zimmerman**

To honor and say thank you to Kim W. Havey for his service to Minneapolis.

Whereas, Kim W. Havey received a degree in Master of Planning from the University of Minnesota Humphrey Institute in 1995 and has served Minneapolis in various roles for over a decade; and

Whereas, Kim W. Havey was appointed the Director of the Minneapolis Empowerment Zone by Mayor Sharon Sayles Belton in September 1999 and has managed more than \$35 million in federal, state and local funding for the City of Minneapolis; and

Whereas, prior to accepting the position as the Empowerment Zone Director, Kim W. Havey owned his own consulting business specializing in central city economic development; and

Whereas, Kim W. Havey was the first Director of the North East Business Association and North East Economic Development Council, Executive Director of the East Downtown Council and Elliot Park Business and Professional Association, first Executive Director of the Lake Street Partners, Project Coordinator of the Central Avenue Revitalization Plan, "Making Central Avenue Great," and real estate leasing consultant for Calhoun Square Shopping Center; and

Whereas, Kim W. Havey was a founding board member or staff of five non-profit organizations and one for profit business in the last ten years as well as starting the Empowerment Zone office; and

Whereas, in 2003 Kim W. Havey served the City of Minneapolis simultaneously as the Empowerment Zone Director and interim Heritage Park Director; and

Whereas, from 1999 – 2004 Kim W. Havey provided start-up energy, stability and creativity to the Empowerment Zone program to advance goals to decrease poverty and increase opportunities in the Empowerment Zone; and

Whereas, Kim W. Havey has been the longest serving Empowerment Zone Director in the nation; and

Whereas, through the Empowerment Zone program 471 individuals received employment training, 794 jobs were created or retained, 65 small businesses received loans, 441 entrepreneurs received technical assistance, 463 new housing units were developed and 184 housing units rehabilitated providing affordable housing to 721 EZ residents, and 4,240 children benefited from childcare and education programs; and

Whereas Kim W. Havey is leaving Minneapolis and moving to Ecuador S.A. to expand his personal and professional horizons;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis expresses its sincere thanks and appreciation, and that it joins Kim's many friends and colleagues, in wishing him good luck, good fortune, and good health.

Be It Further Resolved that the City of Minneapolis acknowledges the leadership of Kim W. Havey in his service to the City of Minneapolis and its citizens.

Adopted 10/8/04.

Absent - Johnson.

Niziolek, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Colvin Roy and Lane offered a Resolution observing Domestic Violence Awareness Month.

Adopted 10/8/04.

Absent - Johnson.

(Not published. See Resolution 2004R-455 on file in the office of the City Clerk)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-455

**By Niziolek, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann,
Goodman, Lilligren, Schiff, Benson, Colvin Roy and Lane**

Observing Domestic Violence Awareness Month.

Whereas, in the United States, a women is the victim of domestic violence every nine seconds; and
Whereas, half of all women in this country are abused at least once in their lifetime; and
Whereas, women daily seek emergency medical assistance because of domestic violence; and
Whereas, in 2003, the City of Minneapolis received 18,365 domestic-related 911 emergency calls;
and

Whereas, the Minneapolis-Hennepin County Homeless Task Force found that more than half of the homeless families were forced out of their homes by domestic violence; and

Whereas, domestic violence ravages our community; and

Whereas, every person in Minneapolis should feel safe and secure from violence, threats and abusive behavior; and

Whereas, the City of Minneapolis is committed to reducing violence in our homes, as well as on our streets; and

Whereas, October is Domestic Violence Awareness month;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis reaffirms its commitment to helping victims of domestic violence feel safe and secure in our city and to ensuring that domestic crimes are vigorously prosecuted and domestic abusers are held accountable.

Adopted 10/8/04.

Absent - Johnson.

Benson offered a Resolution appointing Lee Sheehy as the City's member of the three person Appeal Board under Minnesota Statutes 161.162 - 161.165 pertaining to the reconstruction of I-35W from 66th Street to 42nd Street and Trunk Highway 62 from Penn Avenue to Portland Avenue, referred to as the "I-35W and Highway 62 Crosstown Commons" Project.

Adopted 10/8/04.

Absent - Johnson.

(Not published. See Resolution 2004R-456 on file in the office of the City Clerk)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-456

By Benson

Appointing Lee Sheehy as the City's member of the three person Appeal Board under Minnesota Statutes 161.162 - 161.165 pertaining to the reconstruction of I-35W from 66th Street to 42nd Street and Trunk Highway 62 from Penn Avenue to Portland Avenue, referred to as the "I-35W and Highway 62 Crosstown Commons" Project.

Whereas, the Minnesota Department of Transportation submitted a Municipal Consent package to the City of Minneapolis for approval pertaining to the above-described "I-35W and Highway 63 Crosstown Commons Reconstruction" Project; and

Whereas, the City Council denied municipal approval of the project by resolution on September 3, 2004; and

Whereas, Carol Molnau, Lieutenant Governor/Commissioner of Transportation in a letter dated September 30, 2004, addressed to Mayor R.T. Rybak and Council President Paul Ostrow and City Council Members indicated that the Minnesota Department of Transportation would initiate the municipal consent appeal process as outlined by state law on October 8, 2004 by submitting to the City the name of MnDOT's appointee to the three member Municipal Consent Appeal Board;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby appoints Lee Sheehy, Director of Community Planning and Economic Development, as the member of the City of Minneapolis on the Municipal Consent Appeal Board.

Adopted 10/8/04.

Absent - Johnson.

UNFINISHED BUSINESS

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License (Postponed 2/13/04, PS&RS).

By unanimous consent, the above item continued to be postponed.

Ostrow welcomed four Journalism students from the University of Minnesota, visitors to the Council today.

Ostrow moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the folling matter of the 10th & Washington Ramp. Seconded.

Adopted upon a voice vote.

Absent - Johnson.

Merry Keefe,
City Clerk.

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5/18/2005

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